

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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METSO MINERALS, INC.,

Plaintiff,

-against-

ORDER

06-cv-1446 (ADS)(ETB)

POWERSCREEN INTERNATIONAL
DISTRIBUTION LIMITED, now known as
TEREX GB LIMITED, TEREX
CORPORATION, POWERSCREEN NEW
YORK, INC. and EMERALD EQUIPMENT
SYSTEMS, INC.,

Defendants.

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APPEARANCES:

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By: Andrew E. Curto, Esq., of Counsel

SPATT, District Judge.

On May 26, 2011, the Court issued a permanent injunction in this case, which is set forth in the Court's Order of that date. Having reviewed the parties' respective motions to amend, clarify, or vacate that injunctive order, and having heard oral argument on July 7, 2011 on the issue, the Court now enters the following orders:

1. The injunction order issued on May 26, 2011 is stayed for two weeks, until Monday, July 25, 2010.
2. In light of the parties' submissions and the Court's own research, the Court presents to the parties a **proposed** modification of the Court's previous injunction, as appears below. In light of the extensive briefing and discussion of the issues concerning this injunction, the plaintiff and the defendants are each limited to filing, by Friday, July 15, 2011, one, single-spaced, two page letter addressing any objections to the proposed language. Exceptions taken in previous briefings or on the record will be noted. The **proposed** language of the modified injunction is as follows:

Commencing Monday, July 11, 2011, the defendants are hereby enjoined for the life of the '618 patent from making, using, offering to sell, and selling any of

the devices found at trial to infringe the ‘618 patent—namely, defendants’ Chieftain 1400, Chieftain 1700, Chieftain 1800, Chieftain 2100, Chieftain 2100X, Chieftain 2400, and H5163 mobile screeners, in both tire-mounted and track-mounted form, within the United States, and importing into the United States any of these devices, and from inducing others to make, use, offer to sell, and sell these devices in the United States and to import these devices into the United States. The defendants are further enjoined for the life of the ‘618 patent from making, using, offering to sell, and selling within the United States, and importing into the United States, and from inducing others to make, use, offer to sell, and sell in the United States and to import into the United States similar but putatively non-infringing screeners using the screener names listed above. For the sake of clarity, this injunction does not apply to individual devices with respect to which infringement by the defendants has already occurred as of Monday, July 11, 2011, as the plaintiffs either have been or will be monetarily compensated for this infringement.

SO ORDERED.

Dated: Central Islip, New York
July 8, 2011

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge